



03475-P0001A WWW/TMO/SBS

PATENT *9200*  
*#23**WD*  
*ABAND*  
*2/19/04*  
*S*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Hans Poisel
Serial No. 09/194,049	Filing Date: November 23, 1998
Title of Application:	Device For Receiving Optical Signals By Means Of A Light-Guiding Object
Group Art Unit:	3662
Examiner	Nelson Moskowitz

RECEIVED  
JAN 16 2004  
GROUP 3600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Petition to Withdraw Holding of Abandonment**

Dear Sir:

On October 2, 2003, a Notice of Abandonment was mailed in the above-captioned matter (copy attached as Exhibit A hereto) due to "Applicant's failure to timely file a proper reply to the Office letter mailed on 31 March 2003". However, the Office letter mailed on March 31, 2003 was apparently incorrectly addressed to the inventor and as such was never received by Applicant's duly appointed Attorneys.

Applicant, through its duly appointed Attorneys, hereby petitions the Commissioner to withdraw this holding of abandonment on grounds that the Office letter mailed on March 31, 2003 was, due to a mistake on the part of the U.S. Patent Office, misdirected. Applicant further requests that the Office letter mailed on March 31, 2003 be re-mailed to the correct address and that the time period for reply thereto be re-set.

**Mailing Certificate:** I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner for Patents; P.O. Box 1450; Alexandria, VA-22313-1450.

January 6, 2004  
Linda A. Ferranti

The present application was filed on November 23, 1998. The undersigned attorneys took over responsibility for prosecution of the case, and on July 27, 2001 a Revocation and New Power of Attorney was filed (copy thereof and of postcard acknowledging receipt thereof attached as Exhibit B hereto). However, this Revocation and New Power of Attorney was not entered because it was signed by the assignee of the application and did not include evidence establishing chain of title (copy of Notice attached as Exhibit C hereto). In light of this refusal of entry, a second Revocation and New Power of Attorney, this one including the requisite evidence establishing chain of title of the assignee, was filed on March 22, 2002 (copy thereof and of postcard acknowledging receipt thereof attached as Exhibit D hereto).

While the above was transpiring, and unbeknownst to Applicant's attorneys, Applicant's previous attorneys had filed a Request for Withdrawal (which was granted), and an Office Action had been mailed directly to the inventor on March 9, 2001. No response was filed thereto and the application unintentionally went abandoned. On January 21, 2003, the undersigned filed a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b). This Petition was granted in a Decision mailed March 12, 2003 (copy thereof attached as Exhibit E hereto).

In the Decision mailed March 12, 2003, the undersigned noted the following statements: "There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application.... However, if Wesley W. Whitmyer Jr. desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted." However, knowing these statements to be incorrect (because an appropriate Revocation and New Power of Attorney had in fact been filed on March 22, 2002 -- see above), the undersigned telephoned the Examiner responsible for the present application, Examiner Moskowitz, on March 27, 2003, immediately upon reviewing the Decision mailed on March 12, 2003. Examiner Moscovitz informed the undersigned that the Revocation and New Power of Attorney

filed on March 22, 2002 had not been properly entered. He also instructed the undersigned that this problem would be remedied if the undersigned would send by facsimile a copy of the Revocation and New Power of Attorney filed on March 22, 2002 as well as the postcard acknowledging receipt thereof to a Ms. Ross at facsimile number (703) 305-7658. The undersigned immediately did so on March 27, 2003 (see cover letter, facsimile transmission report indicating a successful transmission, Revocation and New Power of Attorney and postcard attached as Exhibit F hereto).

However, despite the undersigned's telephone call and facsimile, it appears that the Revocation and New Power of Attorney filed on March 22, 2002 still was not entered, and that an Office Action was mistakenly mailed directly to the inventor on March 31, 2003 (as indicated in the Notice of Abandonment).

In light of Revocation and New Power of Attorney, if any fee is due, please charge to Deposit Account No. 19-4516.

Respectfully submitted,



---

Wesley W. Whitmyer, Jr., Registration No. 33,558  
Todd M. Oberdick, Registration No. 44,268  
Attorneys for Applicants  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/194,049	05/06/1999	HANS POISEL	1384.1006/JD	2739

7590

10/02/2003

Hans Poisel  
Puhlhof 14  
D-91227  
Leinburg,  
GERMANY

EXAMINER

MOSKOWITZ, NELSON

ART UNIT

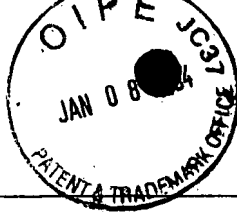
PAPER NUMBER

3663

DATE MAILED: 10/02/2003

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JAN 16 2004  
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Please find below and/or attached an Office communication concerning this application or proceeding.



RECEIVED  
JAN 16 2004

GROUP 3600

### Notice of Abandonment

Application No.	Applicant(s)
09/194,049	POISEL, HANS
Examiner	Art Unit
Nelson Moskowitz	3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 31 March 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

NELSON MOSKOWITZ  
PRIMARY EXAMINER

Nelson Moskowitz  
Primary Examiner  
Art Unit: 3663

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Exhibit B



RECEIVED  
JAN 16 2004  
GROUP 3600

Case No. 03475-P0001A WWW/JBW/jmc

Applicant: Hans Poisel

SN: 09/194,049

Filed 1998/11/23

Group 3662

For: Device For Receiving Optical Signals By Means Of A Light-Guiding Object

Receipt is hereby acknowledged of Revocation and New Power of Attorney

Mailed July 27, 2001

Assistant Commissioner  
for Patents

Case No. 03475-P0001A WWW/JBW/jmc

Applicant: Hans Poisel

SN: 09/194,049

Filed 1998/11/23

Group 3662

For: Device For Receiving Optical Signals By Means Of A Light-Guiding Object

Receipt is hereby acknowledged of Revocation and New Power of Attorney

Mailed July 27, 2001

Assistant Commissioner  
for Patents





PATENT  
03475-P0001A WWW/JBW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Hans Poisel
Serial No. 09/194,049	Filing Date: November 23, 1998
Title of Application:	Device For Receiving Optical Signals By Means Of A Light-Guiding Object

Assistant Commissioner for Patents  
Washington, DC 20231Revocation and New Power Of Attorney

Dear Sir:

Applicant, Schleifring Und Apparatebau GmbH, a corporation of Germany, having its principal place of business at Am Hardtanger 10; D-82256 Furstenfeld\*, Germany hereby revoke all previous powers of attorney and appoints the following attorneys to prosecute this patent and transact all business in the United States Patent and Trademark Office connected therewith, receive all communications from the United States Patent and Trademark Office, to receive the Letters Patent, and be its agent for service of process in connection herewith:

Wesley W. Whitmyer, Jr., Registration No. 33,558  
J. Bradley Wright, Registration No. 47,188  
Attorneys for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

Schleifring Und Apparatebau GmbH is the assignee of record of the patent application identified above. A copy of the assignment is enclosed.

**Schleifring Und Apparatebau GmbH**13.06.2001  
Date

By

Name

Title

Kurt Dallhofer  
Kurt Dallhofer  
Managing Director

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JAN 16 2004  
GROUP 3600

~~Exhibit~~ C



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/194.049 05/06/99 POISEL

H EXAMINER 1986/JD

PM51/0806

ART UNIT 17 PAPER NUMBER

HANS POISEL

PUHLHOF 14

D-91227

LEINBURG

FED REP GERMANY

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

AIR MAIL

3662

DATE MAILED: 09/06/01

RECEIVED  
JAN 18 2004  
GROUP 2200

Responsive to the proposed communication re power of attorney filed  
07/30/01.

The above communication, signed by Kurt Dollhofer, has not been entered for the following reason.

Effective September 4, 1992, 37 CFR 3.73(b) requires the Assignee of the entire right, title and interest to establish ownership by submitting to the Office documentary evidence of a chain of title from the original owner to the assignee or by specifying (e.g. reel and frame number, etc.) where such documentary evidence is recorded. In addition, the assignee of the patent application or patent must submit a statement specifying the evidentiary documents have been reviewed and certifying that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take the action. See Federal Register on July 6, 1992 (Vol. 57, No. 129, 29634-29648), and in the Office Gazette on July 28, 1992.

*Shanda Ross*

Shanda Ross

Deputy SAE, Group 2200

EINGEGANGEN
30. Aug. 2001
Anwandskanzlei Dr. MÜNICH & KOLLEGEN

~~Ex~~hibit D



Case No. 03475-P0001A WWW/TMO/laf

Applicant: Hans Poisel

SN: 09/194,049

Filed 1998/11/23

Group 3662

For: Device For Receiving Optical Signals By Means Of A Light-Guiding Object

Receipt is hereby acknowledged of Revocation and New Power of Attorney

Mailed March 22, 2002

Assistant Commissioner  
for Patents

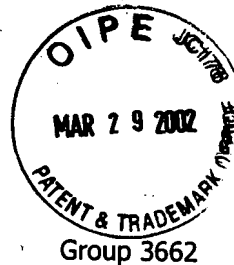
RECEIVED  
JAN 16 2004  
GROUP 3600

Case No. 03475-P0001A WWW/TMO/laf

Applicant: Hans Poisel

SN: 09/194,049

Filed 1998/11/23



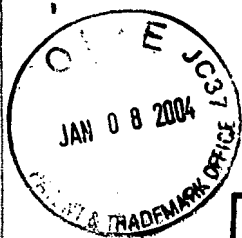
Group 3662

For: Device For Receiving Optical Signals By Means Of A Light-Guiding Object

Receipt is hereby acknowledged of Revocation and New Power of Attorney

Mailed March 22, 2002

Assistant Commissioner  
for Patents

PATENT  
03475-P0001A WWW/TMO

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Hans Poisel
Serial No. 09/194,049	Filing Date: November 23, 1998
Title of Application:	Device For Receiving Optical Signals By Means Of A Light-Guiding Object

Assistant Commissioner for Patents  
Washington, DC 20231Revocation and New Power Of Attorney

Dear Sir:

Applicant, Schleifring Und Apparatebau GmbH, a corporation of Germany, having its principal place of business at Am Hardtanger 10; D-82256 Furstenfeldbruck, Germany hereby revoke all previous powers of attorney and appoints the following attorneys to prosecute this patent and transact all business in the United States Patent and Trademark Office connected therewith, receive all communications from the United States Patent and Trademark Office, to receive the Letters Patent, and be its agent for service of process in connection herewith:

Wesley W. Whitmyer, Jr., Registration No. 33,558  
Todd M. Oberdick, Registration No. 44,268  
Attorneys for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

Schleifring Und Apparatebau GmbH is the assignee of record of the patent application identified above by virtue of an Assignment recorded at Reel 12403, Frame 0175. To the best of my knowledge, title remains in the assignee, Schleifring Und Apparatebau GmbH.

Schleifring Und Apparatebau GmbH

13. November 2001  
Date

By

Kurt Dollhofer

Name

Kurt Dollhofer

Title

Managing Director.

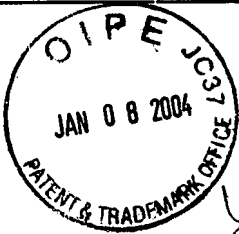
FAX gesendet am

15. Nov. 2001

~~A~~ hist A

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov



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St. Onge Steward Johnston & Reons

Paper No. 20

MAR 17 2003  
FILE 3475-PIA  
DKT noted in [unclear] (a1)

Hans Poisel  
Puhlhof 14  
D-91227  
Leinburg, Germany

In re Application of  
Hans Poisel  
Application No. 09/194,049  
Filed: May 6, 1999  
Attorney Docket No. 1384.1006/JD

RECEIVED  
JAN 16 2004  
GROUP 3600

COPY MAILED

MAR 12 2003

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 21, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner in reply to the final Office action mailed March 9, 2001. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the above-identified application became abandoned on June 10, 2001.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Wesley W. Whitmyer, Jr. appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. However, if Wesley W. Whitmyer Jr. desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application will be directed solely to the address of record until otherwise instructed.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on January 21, 2003.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



The application file is being forwarded to Technology Center AU 3662 for further processing.

A handwritten signature in cursive script, appearing to read "Latrice Bond".

Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
For Patent Examination Policy

cc: Todd M. Oberdick  
ST. Onge Steward Johnston & Reens  
986 Bedford Street  
Stamford, CT 06905-5619

~~Exhibit~~ F

MODE - MEMORY TRANSMISSION

START=MAR-27 16:12 END=MAR-27 16:13

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STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
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-ST ONGE

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- \*\*\*\*\*

2033271096- \*\*\*\*\*

## St. Onge Steward Johnston &amp; Reens LLC



986 Bedford Street  
Stamford Connecticut 06905-5619  
(203) 324 6155  
(203) 327 1096  
sbs@ssjr.com  
www.ssjr.com

March 27, 2003

SSJR File: 3475-P0001A

Pages: 4

Applicant	Hans Poisel
Serial No. 09/194,049	Filing Date: November 23, 1998
Title of Application:	Device For Receiving Optical Signals By Means Of A Light-Guiding Object
Group Art Unit:	3662

**Deliver To: Ms. Ross**

Fax No: (703) 305-7658

From: Todd M. Oberdick, Registration No. 44,268

Dear Ms. Ross:

I spoke with Examiner Moskowitz who gave me your number to fax this information to you.

In a letter dated March 12, 2003, attached hereto, it was noted that a power of attorney had not been received in this case. We had previously sent a Revocation and New Power of Attorney to the PTO, copy also attached, and I have additionally attached a copy of the stamped postcard received from the PTO. Please let me know if this is sufficient. Thank you for your attention to this matter.

Enclosures

# St. Onge Steward Johnston & Reens LLC



986 Bedford Street  
Stamford Connecticut 06905-5619

(203) 324 6155 ☎

(203) 327 1096 ☎

sbs@ssjr.com ✉

www.ssjr.com

March 27, 2003

SSJR File: 3475-P0001A

Pages: 4

Applicant	Hans Poisel
Serial No. 09/194,049	Filing Date: November 23, 1998
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Enclosures

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

RECEIVED

St. Onge Steward Johnston & Reons

Paper No. 20

MAR 17 2003

FILE 3475 - PIA

DKT noted in Qum

(21)

Hans Poisel  
Puhlhof 14  
D-91227  
Leinburg, Germany

COPY MAILED

MAR 12 2003

OFFICE OF PETITIONS

In re Application of  
Hans Poisel  
Application No. 09/194,049  
Filed: May 6, 1999  
Attorney Docket No. 1384.1006/JD

ON PETITION

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Case No. 03475-P0001A

Applicant: Hans Poisel

SN: 09/194,049

Filed 1998/11/23

Group 3662

For: Device For Receiving Optical Signals By Means Of A Light-Guiding Object

Receipt is hereby acknowledged of Revocation and New Power of Attorney

Mailed March 22, 2002

Assistant Commissioner  
for Patents

Case No. 03475-P0001A WWW/TMO/laf

Applicant: Hans Poisel

SN: 09/194,049

Filed 1998/11/23



Group 3662

For: Device For Receiving Optical Signals By Means Of A Light-Guiding Object

Receipt is hereby acknowledged of Revocation and New Power of Attorney

Mailed March 22, 2002

Assistant Commissioner  
for Patents